

1 MICHAEL W. BIEN – 096891
ERNEST GALVAN – 196065
2 KARA J. JANSSEN – 274762
ADRIENNE SPIEGEL – 330482
3 LUMA KHABBAZ – 351492
ROSEN BIEN
4 GALVAN & GRUNFELD LLP
101 Mission Street, Sixth Floor
5 San Francisco, California 94105-1738
Telephone: (415) 433-6830
6 Email: mbien@rbgg.com
egalvan@rbgg.com
7 kjanssen@rbgg.com
aspiegel@rbgg.com
8 lkhabbaz@rbgg.com

9 SUSAN M. BEATY – 324048
CALIFORNIA COLLABORATIVE FOR
10 IMMIGRANT JUSTICE
1999 Harrison Street, Suite 1800
11 Oakland, California 94612-4700
Telephone: (510) 679-3674
12 Email: susan@ccijjustice.org

OREN NIMNI*
Mass. Bar No. 691821
AMARIS MONTES*
Md. Bar No. 2112150205
RIGHTS BEHIND BARS
416 Florida Avenue N.W. #26152
Washington, D.C. 20001-0506
Telephone: (202) 455-4399
Email: oren@rightsbehindbars.org
amaris@rightsbehindbars.org

STEPHEN S. CHA-KIM*
N.Y. Bar No. 4979357
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, New York 10019-9710
Telephone: (212) 836-8000
Email: stephen.cha-kim@arnoldporter.com

CARSON D. ANDERSON – 317308
ARNOLD & PORTER KAYE SCHOLER LLP
3000 El Camino Real
Five Palo Alto Square, Suite 500
Palo Alto, California 94306-3807
Telephone: (650) 319-4500
Email: carson.anderson@arnoldporter.com

* Admitted *pro hac vice*

15 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

20 CALIFORNIA COALITION FOR WOMEN
PRISONERS et al.,

21 Plaintiffs,

22 v.

23 UNITED STATES OF AMERICA FEDERAL
24 BUREAU OF PRISONS et al.,

25 Defendants.

Case No. 4:23-cv-04155-YGR

**DECLARATION OF AMARIS
MONTES IN SUPPORT OF
PLAINTIFFS' RESPONSE TO
UNITED STATES' RESPONSE TO
ORDER TO SHOW CAUSE**

Judge: Hon. Yvonne Gonzalez Rogers

Trial Date: None Set

1 I, Amaris Montes, hereby declare as follows:

2 1. I am an attorney admitted to practice law in the state of Maryland and am counsel
3 for Plaintiffs in the above captioned matter.

4 2. I submit this declaration in support of Plaintiff's Response to United States'
5 Response to the Court's Order To Show Cause, ECF No. 155. I have personal knowledge of the
6 facts stated herein and, if called as a witness, could and would testify competently thereto.

7 3. On February 1, 2024, I learned that R.F. was placed in the Special Housing Unit
8 ("SHU") through my co-counsel at Rosen Bien Galvan & Grunfeld who was contacted by R.F.
9 after her placement in the SHU.

10 4. On February 2, 2024, I emailed counsel for the Bureau of Prisons ("BOP"), Robert
11 France and Assistant U.S. Attorneys Madison Mattioli and Abbie Cziok, about our concerns
12 regarding placing R.F. in the SHU. ECF No. 160-2 at 4-5.

13 5. On February 5, 2024, I emailed counsel for BOP again because we did not receive
14 a response to our previous email. ECF No. 160-2 at 3-4.

15 6. On February 8, 2024, Robert France informed us that R.F. was transferred to
16 Metropolitan Detention Center in Los Angeles ("MDC"). ECF No. 160-2 at 1-3.

17 7. Counsel for Plaintiffs was never informed about her potential transfer prior to this
18 email notification after she was transferred.

19 8. On February 9, I contacted MDC to schedule a visit with R.F. in order to obtain
20 more information about her transfer.

21 9. On February 15, 2024, I met with R.F. at MDC.

22 10. During our conversation, we discussed the circumstances of how R.F. came to be
23 transferred to MDC. She informed me of the following facts:

- 24 • On January 26, 2024, R.F. observed that FCI Dublin officers were visibly upset

1 after the status conference in this matter that had been held the same day.

- 2 • On January 31, 2024, R.F. was placed in the SHU at the direction of Lt. Bauddizon
- 3 because R.F. was told she was “under investigation”; but she was not provided any
- 4 information about what this investigation was for, nor asked any questions
- 5 regarding any related incident. She was not immediately given a disciplinary
- 6 incident report informing her about why she was placed in the SHU.
- 7
- 8 • At some point after she was placed in SHU, R.F. was given a 200 series shot
- 9 because two screws had allegedly been found in her cell.
- 10
- 11 • R.F. was kept in the SHU for seven days.
- 12
- 13 • R.F.’s SHU cell was cold, had at least a centimeter of water on the floor at all
- 14 times, had mold on the walls, and contained human filth from the previous
- 15 detainee.
- 16 • R.F. was not given any cleaning or personal hygiene supplies in the SHU.
- 17 • R.F. initiated a hunger strike immediately upon arrival in the SHU.
- 18
- 19 • The next day, nine other detainees in the SHU independently commenced their
- 20 own hunger strikes to protest the fact that they were not given disciplinary incident
- 21 report paper work after weeks of being in the SHU, were not provided the ability to
- 22 see a disciplinary hearing officer, and lacked basic hygiene and cleaning supplies.
- 23 • During the hunger strike Nurse Werne provided Ensure® shakes to the SHU
- 24 hunger striking detainees. On February 5, 2024, Monte Wilson removed the
- 25 Ensure® shakes from the SHU and threatened the hunger striking detainees with
- 26 disciplinaries for demonstrating.
- 27 • No warden visited the SHU during R.F.’s confinement in the SHU, despite BOP
- 28 policies requiring the warden to observe individuals on hunger strike.

- On February 6, 2024, R.F. was transferred to MDC. At MDC, R.F. understood that Officer Cuevas expunged the aforementioned shot that R.F. was given for the screws for lack of evidence.
- Although R.F. believes she should be sent to home confinement consistent with her qualification for that status, she did not wish to be transferred to MDC and would prefer to be sent back to FCI Dublin rather than stay in MDC.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 18, 2024, in Los Angeles, CA.

/s/ Amaris Montes
Amaris Montes

Pursuant to Civil L.R. 5-1(i)(3), I attest that concurrence in the submission of this document has been obtained from the other signatory.

Dated: February 18, 2024

/s/ Stephen Cha-Kim
Stephen Cha-Kim